

Senators in favor of the resolution of ratification will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present and voting, having voted in the affirmative, the resolution of ratification is agreed to.

#### INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF TERRORIST BOMBINGS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Executive Calendar No. 3, the International Convention for the Suppression of Terrorist Bombings; that the treaty be considered as having advanced through its parliamentary stages up to and including the presentation of the resolution of ratification and that the reservation, understandings and conditions be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution of ratification is as follows:

INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF TERRORIST BOMBINGS (TREATY Doc. 106-6)

*Resolved (two-thirds of the Senators present concurring therein),*

#### SECTION 1. ADVICE AND CONSENT TO RATIFICATION OF THE INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF TERRORIST BOMBINGS, SUBJECT TO A RESERVATION, UNDERSTANDINGS, AND CONDITIONS.

The Senate advises and consents to the ratification of the International Convention for the Suppression of Terrorist Bombings, adopted by the United Nations General Assembly on December 15, 1977, and signed on behalf of the United States of America on January 12, 1998 (Treaty Document 106-6; in this resolution referred to as the "Convention"), subject to the reservation in section 2, the understandings in section 3, and the conditions in section 4.

#### SEC. 2. RESERVATION.

The advice and consent of the Senate under section 1 is subject to the reservation, which shall be included in the United States instrument of ratification of the Convention, that:

(a) pursuant to Article 20(2) of the Convention, the United States of America declares that it does not consider itself bound by Article 20(1) of the Convention; and

(b) the United States of America reserves the right specifically to agree in a particular case to follow the procedure in Article 20(1) of the Convention or any other procedure for arbitration.

#### SEC. 3. UNDERSTANDINGS.

The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the United States instrument of ratification of the Convention:

(1) EXCLUSION FROM COVERAGE OF TERM "ARMED CONFLICT".—The United States of America understands that the term "armed conflict" in Article 19(2) of the Convention does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature.

(2) MEANING OF TERM "INTERNATIONAL HUMANITARIAN LAW".—The United States of America understands that the term "international humanitarian law" in Article 19 of the Convention has the same substantive meaning as the law of war.

(3) EXCLUSION FROM COVERAGE OF ACTIVITIES BY MILITARY FORCES.—The United States understands that, under Article 19 and Article 1(4), the Convention does not apply to—

(A) the military forces of a state in the exercise of their official duties;

(B) civilians who direct or organize the official activities of military forces of a state; or

(C) civilians acting in support of the official activities of the military forces of a state, if the civilians are under the formal command, control, and responsibility of those forces.

#### SEC. 4. CONDITIONS.

The advice and consent of the Senate under section 1 is subject to the following conditions:

(1) TREATY INTERPRETATION.—The Senate re-affirms condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (adopted at Vienna on May 31, 1996), approved by the Senate on May 14, 1997 (relating to condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988).

(2) PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall not transfer any person, or consent to the transfer of any person extradited by the United States, to the International Criminal Court established by the Statute adopted in Rome, Italy, on July 17, 1998, unless the Rome Statute has entered into force for the United States, by and with the advice and consent of the Senate, as required by Article II, Section 2, Clause 2 of the United States Constitution.

(3) SUPREMACY OF THE CONSTITUTION.—Nothing in the Convention requires or authorizes the enactment of legislation or the taking of any other action by the United States that is prohibited by the Constitution of the United States as interpreted by the United States.

Mr. REID. Mr. President, I ask for a division vote.

The PRESIDING OFFICER. A division is requested.

Senators in favor of the resolution of ratification will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present and voting, having voted in the affirmative, the resolution of ratification is agreed to.

Mr. REID. Mr. President, I ask unanimous consent that the motions to reconsider be laid upon the table, that any statements thereon be printed in the RECORD, that the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I am pleased to present to the Senate two multilateral conventions, negotiated within the UN system, to combat two specific aspects of international terrorism.

The treaties, the International Convention for the Suppression of Terrorist Bombings, and the International Convention for the Suppression of the Financing of Terrorism, will provide important tools to the President in the global campaign against terrorism.

The two treaties are similar in approach: they require parties to criminalize the proscribed behavior—engaging in international terrorist bombings and fund raising for international terrorism—and to either extradite an alleged offender to another nation that has jurisdiction to prosecute or to submit the case for prosecution.

The conventions have received increasing support from the nations of the world. In the last several weeks, many nations have signed or ratified the treaties. For example, when the Committee on Foreign Relations held a hearing on the treaties in late October, 58 countries had signed the International Convention for the Suppression of the Financing of Terrorism, but just four had become parties to it. As of today, according to the web page of the United Nations, 125 countries have signed the Convention, and 15 have become party to it. It will enter into force when 22 nations become party to it, so the Senate's action today will be an important step in helping bring the Convention closer to entry into force.

I applaud and support the global campaign against terrorism that President Bush has waged to date. If we have learned anything about foreign policy since September 11, it is the global leadership and multilateral cooperation are essential to combating the terrorist networks. If we want to use air power in Afghanistan, we need over-flight rights from countries around the region. If we want Al-Qaeda cells to be investigated and arrested, we need our foreign partners to join us in the effort. If we want bank accounts of Osama bin Laden and his cohorts frozen, we need the assistance of foreign governments and foreign bankers. In short, we cannot wage this campaign by ourselves.

I am pleased that the administration strongly supports these conventions. They will provide additional weapons in the terrorism campaign. They set international standards—which we will expect foreign nations to embrace and enforce. The International Convention on the Suppression of the Financing of Terrorism will be of particular importance in our continuing effort to squeeze the financial lifeblood out of the international terrorism networks.

Despite this support for multilateral approaches, I find puzzling the Administration's failure to seize the initiative in other contexts, especially at this time when so many countries are lining up on our side in the present conflict. The vicissitudes of the war on terrorism also present opportunities to the United States, if only we will seize them.

For example, we all know that rogue states and terrorists are trying to obtain biological weapons. In response to this challenge, the Administration—which earlier scuttled a draft compliance protocol to the Biological Weapons Convention—proposes that countries enact national legislation criminalizing violations of the BWC, improve bilateral extradition agreements, and adopt strict standards for access to dangerous pathogens. But as recently as earlier this week, at the BWC Review Conference held every five years, the U.S. delegation was resisting the idea of a protocol calling on countries to take those actions. It is a mystery to me why the Administration cannot see the virtue of global adherence to a set of standards in the fight to prevent biological terrorism.

Mr. President, the Committee on Foreign Relations recommended, by a unanimous voice vote, that the Senate advise and consent to the two treaties now before the body. I am pleased that my colleagues have given their strong support to these conventions.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

#### MAKING FURTHER CONTINUING APPROPRIATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to H.J. Res. 76, the continuing resolution, just received from the House and now at the desk.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 76) making further continuing appropriations for the fiscal year 2002, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. REID. Mr. President, I ask unanimous consent that the joint resolution be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 76) was read the third time and passed.

#### EXPRESSING SOLIDARITY WITH ISRAEL IN THE FIGHT AGAINST TERRORISM

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 88, introduced earlier today by Senators BIDEN and HELMS.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 88) expressing solidarity with Israel in the fight against terrorism.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 88) was agreed to.

The preamble was agreed to.

(The text of the concurrent resolution, with its preamble, is printed in today's RECORD under "Statements on Submitted Resolutions.")

#### APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 96-114, as amended, announces the appointment of Kevin B. Lefton, of Virginia, to the Congressional Award Board.

#### MEASURE READ THE FIRST TIME—S. 1766

Mr. REID. Mr. President, I understand S. 1766, introduced earlier today by Senators DASCHLE and BINGAMAN, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (S. 1766) to provide for the energy security of the Nation, and for other purposes.

Mr. REID. Mr. President, I now ask for its second reading and object to my own request on behalf of the minority.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

#### THE DEMOCRATIC ENERGY BILL

Mr. DASCHLE. Mr. President, after months of hard work by the chairman of nine committees, we are today introducing legislation to establish a national energy policy. The bill we are introducing provides a blueprint for solving many of the nation's energy problems, and will provide the American people with clean, reliable, and affordable energy for generations to come.

This bill recognizes that the use of energy has profound consequences for economic health, environmental quality and national security. The energy policy we choose to adopt will have long-lasting consequences in each of these areas.

Today, we have an opportunity to dramatically reshape America's energy future, and it is an opportunity we cannot afford to lose.

The strength of our economy depends, in large measure, in the abundant and inexpensive supply of energy.

The periodic price shocks experienced by American drivers since the mid-1970s underscores the vulnerability associated with our growing dependence on foreign oil. At the same time, the rolling blackouts experienced by California last summer serves as a cautionary tale of the failure to guarantee reliable and abundant supplies of electricity.

One of the greatest environmental challenges that our nation—and the world—will face in the coming years is the rising tide of global climate change. The way we generate and use energy in the future will determine whether we effectively face this challenge and prevent the catastrophic impacts of global warming, and whether we can make the air we breathe cleaner and more healthy.

And finally, the success of our foreign policy and the security of our nation are inextricably linked to our future patterns of energy use.

In the last 12 years we have spent billions of dollars fighting two wars in the Middle East, both of which involved oil. When Iraq invaded Kuwait it endangered the oil fields that supplied a significant percentage of the world's energy. The U.S., in cooperation with much of the rest of the world, was forced to respond to that threat.

More recently, we have learned that much of Osama bin Laden's financial support came from supporters made rich by the oil-based economy of the Middle-East.

It is long past time when we take whatever steps we can toward freeing ourselves from our dependence on foreign oil, and the volatility associated with it.

The bill we are introducing today is intended to address these challenges by pursuing a thoughtful, progressive, and realistic energy policies.

I thank Chairman BINGAMAN for the job he has done in working with nine committees to produce this bill. In addition to his Energy and Natural Resources Committee, he also coordinated with: the Environment and Public Works Committee; the Commerce Committee; the Banking Committee; the Indian Affairs Committee; the Foreign Relations Committee; the Governmental Affairs Committee; the Agriculture Committee; and the Finance Committee.

The events of September 11 have dictated that committees which have jurisdiction over key elements of energy policy deal with the issues that demand our immediate attention. Those committees are now turning to their energy-related work, and will have